

# Court of Appeals, State of Michigan

## ORDER

People of MI v Martin Sampson

Docket No. 268882

LC No. 04-002300

Patrick M. Meter  
Presiding Judge

William C. Whitbeck, CJ

Alton T. Davis  
Judges

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The Court orders that the motion to waive fees is GRANTED for this case only.

The Court orders that the motion to extend time to file court records is DENIED as moot.

The Court orders that in lieu of granting the delayed application for leave to appeal and pursuant to MCR 7.205(D)(2), 7.216(A)(7), this matter is REMANDED to the Emmet Circuit Court for a determination of whether defendant is indigent and, if so, for the appointment of appellate counsel, in light of *Halbert v Michigan*, 545 US \_\_\_\_; 125 S Ct 2582; 162 L Ed 2d 552 (2005). See, e.g., *People v Bell*, 474 Mich 867; 703 NW2d 472 (2005). Appointed counsel may file an application for leave to appeal with this Court and/or any appropriate postconviction motions in the trial court, within twelve months of the date of the Emmet Circuit Court's order appointing counsel, in accord with the deadlines in effect at the time defendant was denied counsel. See MCR 7.205(F)(3), MCR 6.311, and MCR 6.429.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 7 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk